



Department of Defense  
**DIRECTIVE**  
**AD-A272 226**



August 31, 1984  
NUMBER 5535.4

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SUBJECT: Copyrighted Sound and Video Recordings

A. PURPOSE

This Directive provides policy, prescribes procedures, and assigns responsibilities regarding the use of copyrighted sound and video recordings within the Department of Defense.

B. APPLICABILITY

1. This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2. This Directive does not regulate the procurement or use of copyrighted works for authorized official purposes.

C. POLICY

1. It is DoD policy:

a. To recognize the rights of copyright owners by establishing specific guidelines for the use of copyrighted works by individuals within the DoD community, consistent with the Department's unique mission and worldwide commitments.

b. Not to condone, facilitate, or permit unlicensed public performance or unlawful reproduction for private or personal use of copyrighted sound or video recordings, using government appropriated- or nonappropriated-fund-owned or -leased equipment or facilities.

2. Although the policy expressed in this Directive takes into account the copyright law of the United States, the application of that law to specific situations is a matter for interpretation by the U.S. Copyright Office and the Department of Justice.

D. PROCEDURES

1. Permission or licenses from copyright owners shall be obtained for public performances of copyrighted sound and video recordings.

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93

2. Component procedures established pursuant to Section E., below provide guidance for determining whether a performance is "public." These general principles will be observed:

a. A performance in a residential facility or a physical extension thereof is not considered a public performance.

b. A performance in an isolated area or deployed unit is not considered a public performance.

c. Any performance at which admission is charged normally would be considered a public performance.

3. Government audio and video duplicating equipment and appropriated funded playback equipment may not be used for reproduction of copyrighted sound or video recordings.

#### E. RESPONSIBILITIES

Heads of DoD Components shall establish procedures to comply with this Directive and shall provide necessary local guidance and legal interpretation.

#### F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Component implementation shall be submitted for the approval of the General Counsel, Department of Defense, within 90 days of the effective date of this Directive. All component implementing regulations and changes require the approval of the General Counsel.

*William H. Taft, IV*

William H. Taft, IV  
Deputy Secretary of Defense

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**SUPPLEMENTARY**

**INFORMATION**

# DEPARTMENT OF DEFENSE

## DIRECTIVES SYSTEM TRANSMITTAL

NUMBER See Pen Changes Below	DATE November 16, 1994	DISTRIBUTION 5000 series
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### ATTACHMENTS

None

"Copyrighted! Sound and Video Recordings" DoDD 5535.4

*ERRATA AD-A272 220*

### INSTRUCTIONS FOR RECIPIENTS

Pen changes to the following DoD Issuances are authorized:

#### DoD Issuance Number and Date

#### Change Number

#### DoD Directive 5000.4, November 24, 1992

Change 1

Section E.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 5. Delete "Implementing documents shall be kept to a minimum as deemed appropriate by the DoD Component Acquisition Executive. Forward one copy of implementing documents to the Assistant Secretary of Defense (Program Analysis and Evaluation) within 120 days."

#### DoD Directive 5010.10, August 9, 1972

Change 1

Section IX.

Heading. Delete "AND IMPLEMENTATION"

Lines 2 through 7. Delete "DoD components will revise their regulations and instructions as necessary to implement this Directive and forward two copies of implementing instructions to the Assistant Secretary of Defense (Intelligence) and to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days."

#### DoD Instruction 5010.34, August 4, 1975

Change 1

Section VII.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 5. Delete "and will be promptly implemented in conjunction with DoD Directive 5010.31 (reference (a)). DoD Components shall forward four copies of their implementing documents to the Assistant Secretary of Defense (Installations and Logistics) within 90 days."

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	
INSTRUCTIONS FOR RECIPIENTS (continued)		
<b><u>DoD Issuance Number and Date</u></b>		<b><u>Change Number</u></b>
<u>DoD Instruction 5010.39, November 16, 1984</u>		Change 1
Section H. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 120 days."		
<u>DoD Directive 5120.39, April 24, 1980</u>		Change 1
Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing Instructions to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."		
<u>DoD Directive 5120.42, May 19, 1977</u>		Change 1
Section I. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of the implementing instructions to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 90 days."		
<u>DoD Directive 5132.3, March 10, 1981</u>		Change 1
Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of the implementing documents to the Assistant Secretary of Defense (International Security Affairs) within 120 days."		
<u>DoD Directive 5154.11, September 12, 1988</u>		Change 1
Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of the implementing documents to the Assistant Secretary of Defense (Health Affairs) within 60 days."		
<u>DoD Directive 5210.2, January 12, 1978</u>		Change 3
Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 5. Delete "Forward two copies of the implementing documents, and any subsequent amendments, to the Deputy Under Secretary of Defense for Policy within 90 days. One copy shall be marked to indicate implemented sections, subsections, paragraphs, and subparagraphs of this Directive."		

NUMBER See Below Pen Changes	DATE November 16, 1994	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
INSTRUCTIONS FOR RECIPIENTS (continued)		
<u>DoD Issuance Number and Date</u>		<u>Change Number</u>
<u>DoD Instruction 5210.25, May 12, 1983</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of the implementing documents to Deputy Under Secretary of Defense for Policy within 120 days."		Change 1
<u>DoD Directive 5210.64, November 6, 1978</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 5. Delete "Forward two copies of the implementing documents and any subsequent amendments, to the Assistant Secretary of Defense (Comptroller) within 120 days. Mark one copy to indicate implemented sections, subsections, paragraphs, and subparagraphs of this Directive."		Change 1
<u>DoD Instruction 5210.74, June 26, 1985</u> Section H. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Forward three copies of the implementing documents to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence within 120 days of receipt of this Instruction and the applicable Federal Acquisition Regulation."		Change 1
<u>DoD Directive 5210.83, November 15, 1991</u> Section H. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 5. Delete "Forward one copy of the implementing documents to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence within 120 days; forward one copy of changes to implementing documents within 90 days of publication."		Change 1
<u>DoD Directive 5215.1, October 25, 1982</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of the implementing document to the Under Secretary of Defense for Research and Engineering within 120 days."		Change 1
<u>DoD Directive 5500.19, December 6, 1985</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 and 2. Delete "Forward two copies of the implementing documents to the General Counsel, Department of Defense, within 120 days."		Change 1

NUMBER See Below Pen Changes	DATE November 16, 1994	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
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INSTRUCTIONS FOR RECIPIENTS (continued)

DoD Issuance Number and Date

Change Number

DoD Directive 5535.4, August 31, 1984

Change 1


Section F.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 5. Delete "Component implementation shall be submitted for approval of the General Counsel, Department of Defense, within 90 days of the effective date of this Directive. All component implementing regulations and changes require the approval of the General Counsel."

EFFECTIVE DATE

The above pen changes are effective immediately. Although the pen changes remove the requirement for DoD Components to issue implementing documents, the DoD issuances are directly applicable to all elements with the Components and the Heads of the DoD Components are responsible for carrying out the DoD guidance.

  
JAMES L. ELMER  
Director  
Correspondence and Directives